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COMMISSION ON HUMAN RIGHTS
Sub-Commission on the Promotion
and Protection of Human Rights
Fifty-fourth session

ANNOTATIONS TO THE PROVISIONAL AGENDA*

Prepared by the Secretary-General**

* These annotations are based upon the provisional agenda of the fifty-fourth session of the Sub-Commission, with the addition of indicative subheadings dividing the text of the annotations for ease of reference.

** In accordance with General Assembly resolution 53/208 B, paragraph 8, this document is submitted late so as to include the most up-to-date information possible.

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Item 1. Organization of work

Election of officers

1. Rule 15 of the rules of procedure of the functional commissions of the Economic and Social Council provides that "at the commencement of its first meeting of a regular session", the Sub-Commission "shall elect, from among the representatives of its members, a Chairman, one or more Vice-Chairmen and such other officers as may be required".

Adoption of the agenda

2. Rule 7 of the rules of procedure provides that the agenda shall be adopted at the beginning of each session, after the election of officers, on the basis of the provisional agenda. The provisional agenda for the present session of the Sub-Commission is contained in document E/CN.4/Sub.2/2002/1. It is based on the list of draft provisional items for the agenda of the fifty-third session of the Sub-Commission as contained in its decision 2000/120.

3. Pursuant to Sub-Commission resolution 1995/26 (para. 1) and Commission on Human Rights resolution 1995/86, the human rights of women and girl children are to be considered under all items of the agenda.

Organization and methods of work

4. At its forty-sixth session, the Sub-Commission, in its decision 1994/103, decided to observe a minute of silence in honour of victims of all forms of violations of human rights in all regions of the world, at the commencement of its annual sessions.

5. At its thirty-fourth and subsequent sessions, the Sub-Commission established a sessional working group to assist it in relation to its annual review of developments concerning the human rights of persons subjected to any form of detention or imprisonment. By its decision 1994/104, the Sub-Commission decided, inter alia, to establish a sessional working group on the administration of justice and the question of compensation in place of a sessional working group on detention. (See also paragraph 18 below.)

6. By its resolution 2001/3, the Sub-Commission decided to extend, for a three-year period, the mandate of the sessional working group of the Sub-Commission established to examine the working methods and activities of transnational corporations, and requested the working group to submit its report on its fourth session to the Sub-Commission at its fifty-fourth session. (See also paragraphs 25-27 below.)

7. When considering the organization of its work, the Sub-Commission may wish to refer to the annex to its decision 1999/114 containing the guidelines for the application by the Sub-Commission of the rules of procedure of the functional commissions of the Economic and Social Council and other decisions and practices relating thereto. The attention of the Sub-Commission is also drawn to the decisions it adopted at its fifty-first session concerning the organization of its work (see E/CN.4/2001/2-E/CN.4/Sub.2/2000/46, paras. 18-26), in particular

those relating to the limitation of the frequency and duration of statements (paras. 18-20 and 25-26), the opening and closure of the list of speakers (paras. 21-22) and the submission of draft resolutions (para. 23).

8. In its decision 2000/109 entitled "Enhancing the effectiveness of the mechanisms of the Commission on Human Rights", the Commission decided to approve and implement comprehensively and in its entirety the report of the intersessional open-ended Working Group on Enhancing the Effectiveness of the Mechanisms of the Commission on Human Rights (E/CN.4/2000/112) which was annexed to that decision. Chapter 4 of the report of the Working Group (paras. 42-56) relates to the Sub-Commission.

9. At its fifty-eighth session, the Commission on Human Rights, in its resolution 2002/66, reaffirmed that the Sub-Commission could best assist the Commission by providing it with:

(a) Independent expert studies carried out by its members or alternates;

(b) Recommendations based on, and after full consideration of, these studies;

(c) Studies, research and expert advice at the request of the Commission.

10. The Commission further recommended that the Sub-Commission continue at its future sessions the successful innovations of the fifty-third session, in particular by:

(a) Having annual closed meetings with the Expanded Bureau of the fifty-eighth and subsequent sessions of the Commission, so as to exchange views aimed at improving cooperation between the two organs;

(b) Mainstreaming a streamlined agenda;

(c) Holding its discussions of its working rules, procedures and timetable in closed meeting;

(d) Drafting as many of its resolutions as possible in closed session, in view of the limited time available.

11. The Commission reiterated that the Sub-Commission should further improve its methods of work by:

(a) Focusing on its primary role as an advisory body to the Commission, specifically when its advice is requested by the Commission;

(b) Giving particular attention to the selection of studies specifically recommended by the Commission, and at the same time focusing on how and when the implementation of existing standards could be improved;

(c) Respecting strictly the highest standards of impartiality and expertise, and avoiding acts, which would affect confidence in the independence of its members;

(d) Facilitating efficient and effective participation of non-governmental organizations;

(e) Giving full consideration to studies and working papers by special rapporteurs and its members before sending them to the Commission;

(f) Taking steps to accomplish its work within a three-week session;

(g) Making proposals to the Commission on how it might assist the Sub-Commission in improving its work and vice versa;

(h) Focusing strictly on questions relating to human rights in accordance with its mandate;

(i) Avoiding duplication of its work with that being carried out by other competent bodies and mechanisms.

12. The Chairperson of the fifty-eighth session of the Commission on Human Rights was invited to address the Sub-Commission at the opening meeting of its fifty-fourth session and to inform it about that resolution and the debate that had taken place on that subject at the fifty-eighth session of the Commission under agenda item 16. The Commission also invited the Chairperson of the fifty-fourth session of the Sub-Commission to report to the Commission at its fifty-ninth session, including on an assessment of how recent enhancements of the effectiveness of the Sub-Commission and of its mechanisms had worked in practice.

Documentation

13. The attention of the Sub-Commission is drawn to relevant resolutions concerning control and limitation of documentation (inter alia the latest, General Assembly resolutions 55/222, part III, and 56/242).

Item 2. Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII)

14. By resolution 8 (XXIII) of 16 March 1967, the Commission on Human Rights decided to give annual consideration to the above item. In paragraph 2 of that resolution, the Commission requested the Sub-Commission to prepare a report containing information on violations of human rights and fundamental freedoms from all available sources for the use of the Commission. In paragraph 6, the Commission invited the Sub-Commission to bring to the attention of the Commission any situation which it had reasonable cause to believe revealed a consistent pattern of violations of human rights and fundamental freedoms in any country, including policies of racial discrimination, segregation and apartheid, with particular reference to colonial and other dependent territories.

15. In its resolution 2002/66, the Commission welcomed the steps undertaken by the Sub-Commission to reform and improve its agenda for the fifty-third session. It reiterated:

(a) Its decision that the Sub-Commission should not adopt country-specific resolutions and, in negotiating and adopting thematic resolutions, should refrain from including references to specific countries;

(b) That the Sub-Commission should continue to be able to debate country situations not being dealt with in the Commission, as well as urgent matters involving serious violations of human rights in any country, and that its discussions would be reflected in the summary records of its debates, which should continue to be forwarded to the Commission.

16. At the present session, the Sub-Commission will have before it a note by the secretariat on human rights situation being considered by the Commission on Human Rights under public procedures for dealing with human rights violations (E/CN.4/Sub.2/2002/42).

Recognition of responsibility and reparation for massive and flagrant violations of human rights which constitute crimes against humanity and which took place during the period of slavery, of colonialism and wars of conquest

17. In its resolution 2001/1, the Sub-Commission requested that a process of reflection should be initiated, in a concerted fashion, on appropriate procedures for guaranteeing the implementation of the above resolution and decided to continue its consideration of the question at its fifty-fourth session.

Item 3. Administration of justice

Sessional working group on the administration of justice

18. At its fifty-third session, the Sub-Commission established a sessional working group on the administration of justice under agenda item 3 (decision 2001/102). The report of the working group was issued as document E/CN.4/Sub.2/2001/7. Should the Sub-Commission decide to establish such a sessional working group at the present session, its report will be issued as document E/CN.4/Sub.2/2002/7. (See also paragraph 5 above.)

Question of human rights and states of emergency

19. At its fifty-fourth session, the Commission on Human Rights, in its decision 1998/108, noting Sub-Commission resolution 1997/27, decided to request the Office of the United Nations High Commissioner for Human Rights to submit to the Sub-Commission at its fifty-first session and every second year thereafter, a list of States in which a state of emergency had been proclaimed or was continued during the reporting period. The Sub-Commission will continue to examine the situation at its fifty-fifth session.

Issue of the administration of justice through military tribunals

20. At its fifty-third session, the Sub-Commission, in its decision 2001/103, taking into account the recommendation made by the sessional working group on the administration of justice (E/CN.4/Sub.2/2001/7, para. 39), decided to request Mr. Louis Joinet to update, without financial implications, his interim report on the evolution of the administration of justice through military tribunals. The updated report will be issued as document E/CN.4/Sub.2/2002/4.

Discrimination in the criminal justice system

21. At its fifty-third session, the Sub-Commission, in its decision 2002/104, concerned at the extent of discrimination in the criminal justice system and welcoming the working paper (E/CN.4/Sub.2/2001/WG.1/CRP.1) prepared by Ms. Leila Zerrougui for the sessional working group on the administration of justice, decided to request Ms. Zerrougui to pursue her research, without financial implications. The final working paper will be issued as document E/CN.4/Sub.2/2002/5.

Scope of the activities and the accountability of armed forces, United Nations civilian police, international civil servants and experts taking part in peace support operations (i.e. all operations of a peacekeeping or peace enforcement nature under a United Nations mandate)

22. At its fifty-third session, the Sub-Commission, in its decision 2001/105, taking note of Commission resolution 2001/70, decided to entrust Ms. Françoise Hampson with the task of preparing, without financial implications, a working paper on the scope of the activities and the accountability of armed forces, United Nations civilian police, international civil servants and experts taking part in peace support operations, for submission to the Sub-Commission at its fifty-fourth session. The working paper will be issued as document E/CN.4/Sub.2/2002/6.

Item 4. Economic, social and cultural rights

Promotion of the realization of the right to drinking water and sanitation

23. At its fifty-third session, the Sub-Commission, in its resolution 2001/2, requested the Commission on Human Rights to approve the decision to appoint Mr. El Hadji Guissé as Special Rapporteur to conduct a detailed study on the relationship between the enjoyment of economic, social and cultural rights and the promotion of the realization of the right to drinking water supply and sanitation, at the national and international levels, taking into account questions related to the realization of the right to development, in order to determine the most effective means of reinforcing activities in this field and defining as accurately and fully as possible the content of the right to drinking water in relation to other human rights, and to endorse the decision to request the Special Rapporteur to submit to the Sub-Commission a preliminary report at its fifty-fourth session, a progress report at its fifty-fifth session and a final report at its fifty-sixth session.

24. At its fifty-eighth session, the Commission on Human Rights, in its decision 2002/105, decided to approve the above requests of the Sub-Commission. At the present session, the Sub-Commission will have before it the preliminary report of the Special Rapporteur (E/CN.4/Sub.2/2002/10).

The effects of the working methods and activities of transnational corporations on the enjoyment of human rights

25. At its forty-ninth session, in its resolution 1997/11, the Sub-Commission decided to entrust Mr. Guissé with the task of preparing a background document on the question of the relationship between the enjoyment of human rights and the working methods and activities of transnational corporations, for submission to the Sub-Commission at its fiftieth session.

26. At its fiftieth session, the Sub-Commission had before it the background document prepared by Mr. Guissé (E/CN.4/Sub.2/1998/6). In its resolution 1998/8, the Sub-Commission decided to establish, for a three-year period, a sessional working group of the Sub-Commission, composed of five of its members, taking into account the principle of equitable geographical distribution, to examine the working methods and activities of transnational corporations.

27. At its fifty-third session, the Sub-Commission, in its resolution 2001/3, decided to extend, for a three-year period, the mandate of the sessional working group of the Sub-Commission established to examine the working methods and activities of transnational corporations, and requested the working group to submit its report on its fourth session to the Sub-Commission at its fifty-fourth session. The report of the sessional working group will be issued as document E/CN.4/Sub.2/2002/13. (See also paragraph 6 above.)

28. Pursuant to a request contained in paragraph 2 of Sub-Commission resolution 2001/3, the Sub-Commission, at the present session, will have before it a note by the secretariat transmitting research documents by Mr. Asbjørn Eide and Mr. David Weissbrodt on transnational corporations (E/CN.4/Sub.2/2002/11).

29. Furthermore, the Sub-Commission, in its resolution 2001/3, requested the secretariat to prepare each year a list of countries and transnational corporations, indicating, in United States dollars, their gross national product and financial turnover, respectively. At the present session, the Sub-Commission will have before it a note by the secretariat (E/CN.4/Sub.2/2002/12).

Liberation of trade in services, and human rights

30. At its fifty-third session, the Sub-Commission, in its resolution 2001/4, requested the United Nations High Commissioner for Human Rights to submit a report on the human rights implications of liberalization of trade in services, particularly in the framework of the General Agreement on Trade in Services (GATS), to the Sub-Commission at its fifty-fourth session.

31. At the present session, the Sub-Commission will have before it the report of the High Commissioner (E/CN.4/Sub.2/2002/9).

Globalization and its impact on the full enjoyment of all human rights

32. At its fifty-fifth session, the Commission on Human Rights, in its resolution 1999/59, requested the Sub-Commission to undertake a study, based on the reports of the treaty bodies, special rapporteurs, independent experts and working groups of the Commission on the issue of globalization and its impact on the full enjoyment of all human rights, for the consideration of the Commission at its fifty-seventh session.

33. At its fifty-first session, the Sub-Commission, in its resolution 1999/8, decided, in response to the request from the Commission, to appoint Mr. J. Oloka-Onyango and Ms. D. Udagama as Special Rapporteurs with the task of preparing a study on the issue of globalization and its impact on the full enjoyment of all human rights.

34. At its fifty-third session, the Sub-Commission, in its resolution 2001/5, welcomed the progress report submitted by the Special Rapporteurs (E/CN.4/Sub.2/2001/10) and encouraged them to examine further the relationship between international human rights law and international economic law, particularly in relation to the functioning of multilateral and plurilateral economic institutions; to focus on guidelines and mechanisms necessary to deal effectively with the phenomenon of globalization and the varied impacts on the full enjoyment of human rights; and to propose further measures necessary to ensure that the United Nations human rights regime is strengthened to address the challenges presented. At the same session, the Sub-Commission, in its decision 2001/106, decided, under guideline No. 5 of the Guidelines for the application by the Sub-Commission of the rules of procedure of the functional commissions of the Economic and Social Council and other decisions and practices relating thereto (decision 1999/114, annex), to appoint Mr. Fried van Hoof as Commentator on the minimum guidelines which will comprise part of the final report on globalization and its impact on the full enjoyment of human rights to be submitted to the Sub-Commission at its fifty-fourth session.

35. At its fifty-eighth session, the Commission on Human Rights, in its resolution 2002/28, welcomed the progress report of the Special Rapporteurs and requested them to take into account the content of that resolution in finalizing their study on globalization and its impact on the full enjoyment of all human rights for consideration by the Commission at its fifty-ninth session.

36. At the present session, the Sub-Commission will have before it a note by the secretariat (E/CN.4/Sub.2/2002/14).

Optional protocol to the International Covenant on Economic, Social and Cultural Rights

37. At its fifty-seventh session, the Commission on Human Rights, in its resolution 2001/30, decided to appoint an independent expert to examine the question of a draft optional protocol to the International Covenant on Economic, Social and Cultural Rights.

38. At its fifty-eighth session, the Commission on Human Rights, in its resolution 2002/24, decided to renew, for a period of one year, the mandate of the independent expert on the question

of a draft optional protocol to the International Covenant on Economic, Social and Cultural Rights, and to establish, at its fifty-ninth session, an open-ended working group of the Commission with a view to considering options regarding the elaboration of an optional protocol to the International Covenant on Economic, Social and Cultural Rights.

39. In its resolution 2001/6, the Sub-Commission decided to continue to follow progress towards the further elaboration and the adoption of a draft optional protocol to the International Covenant on Economic, Social and Cultural Rights at its fifty-fourth session.

Implementation of existing human rights norms and standards in the context of the fight against extreme poverty

40. At its fifty-third session, the Sub-Commission, in its resolution 2001/8, requested Mr. Paulo Sérgio Pinheiro, Mr. Yozo Yokota, Mr. El Hadji Guissé and Mr. José Bengoa to prepare a joint working paper, without financial implications, on the need to develop, on the basis of the various relevant international instruments, the ongoing work in other forums, the conclusions and recommendations of the Expert Seminar on Human Rights and Extreme Poverty and any other relevant inputs, in particular those received from Governments, guiding principles on the implementation of existing human rights norms and standards in the context of the fight against extreme poverty, to be submitted to the Sub-Commission at its fifty-fourth session so that it may be considered and thereafter forwarded to the Commission for consideration at its fifty-ninth session. The joint working paper will be issued as document E/CN.4/Sub.2/2002/15.

Intellectual property rights and human rights

41. At its fifty-second session, the Sub-Commission, in its resolution 2000/7, requested the United Nations High Commissioner for Human Rights to undertake an analysis of the human rights impacts of the World Trade Organization Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS). The Commission also requested the Secretary-General to submit a report on that question to the Sub-Commission at its fifty-third session.

42. At its fifty-third session, the Sub-Commission, in its resolution 2001/21, called upon the High Commissioner to convene an expert seminar to consider the human rights dimension of the TRIPS Agreement on the basis, inter alia, of the report of the High Commissioner on the impact of the TRIPS Agreement on human rights (E/CN.4/Sub.2/2001/13), and to report thereon to the Commission on Human Rights at its fifty-ninth session. The Sub-Commission further decided to continue consideration of this question at its fifty-fourth session.

43. At the present session, the Sub-Commission will have before it a note by the secretariat (E/CN.4/Sub.2/2002/41).

The realization of the right to development

44. At its forty-eighth session, the Sub-Commission adopted resolution 1996/22, in which it, inter alia, requested the Secretary-General to invite all relevant United Nations bodies and agencies to step up their action aimed at promoting international cooperation for the realization of the right to development in the context of the United Nations Decade for the Elimination of Poverty (1997-2006) and to provide him with the information thereon, and requested him to transmit annually to the Sub-Commission the information received. The Sub-Commission also decided to review annually the progress in international cooperation towards the implementation of the right to development in the context of human rights and the Decade.

45. At the present session, the Sub-Commission will have before it a report of the Secretary-General (E/CN.4/Sub.2/2002/8), which is submitted in accordance with Sub-Commission resolution 1999/9.

Study on non-discrimination as enshrined in article 2, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights

46. At its fifty-third session, the Sub-Commission, in its resolution 2001/23, decided to entrust Mr. Fried van Hoof with the preparation, without financial implications, of a working paper on non-discrimination as enshrined in article 2, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights, taking into account other relevant studies of the Sub-Commission, to be submitted under the agenda item entitled "Economic, social and cultural rights", in order to enable it to take a decision at its fifty-fourth session on the feasibility of a study on that subject. The working paper will be issued as document E/CN.4/Sub.2/2002/16.

The Social Forum

47. At its fiftieth session, the Sub-Commission had before it the final report on the relationship between the enjoyment of human rights, in particular economic, social and cultural rights, and income distribution, submitted by the Special Rapporteur, Mr. José Bengoa (E/CN.4/Sub.2/1997/9 and E/CN.4/Sub.2/1998/8). In its resolution 1998/14, the Sub-Commission endorsed the conclusions of the final report and especially the recommendation to establish a social forum within the Sub-Commission.

48. At its fifty-third session, the Sub-Commission held a preparatory panel meeting on the Social Forum in which all the participants unanimously recognized the need for a new process/mechanism within the United Nations system with broad participation, reflecting to the current structure of international society.

49. In its resolution 2001/24, the Sub-Commission requested the Commission on Human Rights to authorize the holding in Geneva of a pre-sessional forum on economic, social and

cultural rights before the fifty-fourth session of the Sub-Commission, to be known as the Social Forum, for two days, with the participation of 10 members of the Sub-Commission, taking into account regional representation. The Sub-Commission further decided that the Social Forum would meet every year with the following mandate:

(a) To exchange information on the enjoyment of economic, social and cultural rights and their relation with the processes of globalization;

(b) To follow up on situations of poverty and destitution throughout the world, bearing in mind that they amount to complete and permanent denial of human rights;

(c) To propose standards and initiatives of a juridical nature, guidelines and other recommendations for consideration by the Commission on Human Rights, the working groups on the right to development, the Committee on Economic, Social and Cultural Rights, the specialized agencies and other organs of the United Nations system;

(d) To follow up the agreements reached at the major world conferences and the Millennium Summit, and to make contributions to forthcoming major international events and discussion of issues related to the mandate of the Social Forum.

50. At its fifty-eighth session, the Commission, in decision 2002/106, endorsed the above request of the Sub-Commission.

51. The Sub-Commission, in its resolution 2001/24, also requested Mr. Bengoa to prepare a preliminary working paper outlining the methodology and work of the Social Forum. The preliminary working paper will be issued as document E/CN.4/Sub.2/2002/3.

52. The Sub-Commission further invited the Social Forum to submit to the Sub-Commission at its fifty-fourth session a separate report, containing a comprehensive and detailed summary of the discussion. The report of the Social Forum will be issued as document E/CN.4/Sub.2/2002/18.

The return of refugees' or displaced persons' property

53. At its fifty-third session, the Sub-Commission, in its decision 2001/122, taking into account the suggestion of the Committee on the Elimination of Racial Discrimination concerning the preparation of a study (see E/CN.4/Sub.2/1997/31, annex), decided to entrust Mr. Paulo Sérgio Pinheiro with the preparation, without financial implications, of a working paper on the return of refugees' or displaced persons' property, to be submitted to the Sub-Commission in order to enable it to take a decision at its fifty-fourth session on the feasibility of a comprehensive study on that subject. The working paper will be issued as document E/CN.4/Sub.2/2002/17.

Item 5. Prevention of discrimination:

(a) Racism, racial discrimination and xenophobia

(b) Prevention of discrimination and protection of indigenous peoples

(c) Prevention of discrimination and protection of minorities

Sub-item (a) Racism, racial discrimination and xenophobia

World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance

54. The World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance was held in Durban, South Africa, from 31 August to 8 September 2001, and adopted a Declaration and a Programme of Action (see document A/CONF.189/12).

55. In accordance with Sub-Commission resolution 2000/3, Mr. Paulo Sérgio Pinheiro, member of the Sub-Commission, represented the Sub-Commission during the World Conference.

56. In accordance with Sub-Commission resolution 2000/14, which was endorsed by Commission decision 2001/110, Ms. Erica-Irene Daes and Mr. Miguel Alfonso-Martínez, former Chairperson-Rapporteur and Chairperson-Rapporteur of the Working Group on Indigenous Populations, respectively, represented the Working Group during the World Conference.

57. At the fifty-third session, the Sub-Commission, in its resolution 2001/11, decided to discuss the follow-up to the World Conference at its fifty-fourth session.

Sub-item (b) Prevention of discrimination and protection of indigenous peoples

Working Group on Indigenous Populations

58. In its resolution 1982/34, the Economic and Social Council authorized the Sub-Commission to establish annually a working group to:

(a) Review developments pertaining to the promotion and protection of human rights and fundamental freedoms of indigenous peoples, including information requested by the Secretary-General to analyse such materials, and to submit its conclusions to the Sub-Commission, bearing in mind the report of the Special Rapporteur of the Sub-Commission, Mr. José R. Martínez Cobo (E/CN.4/Sub.2/1986/7 and Add.1-4, the two final chapters being issued as a United Nations publication, Sales No. E.86.XIV.3);

(b) Give special attention to the evolution of standards concerning the rights of indigenous peoples, taking account of both the similarities and the differences in the situations and aspirations of indigenous peoples throughout the world.

59. At its fifty-third session, the Sub-Commission, in its resolution 2001/10, requested the Commission on Human Rights to request the Economic and Social Council to authorize the Working Group to meet for five working days prior to the fifty-fourth session of the Sub-Commission. The Commission on Human Rights, in its resolution 2002/63, endorsed the request of the Sub-Commission.

60. The Working Group on Indigenous Populations held 19 sessions prior to 2002. At the present session, the Sub-Commission will have before it the report of the Working Group on its twentieth session (E/CN.4/Sub.2/2002/24), scheduled to be held from 23 to 27 July 2002.

61. Also in its resolution 2001/10, the Sub-Commission requested Ms. Erica-Irene Daes to prepare a working paper on indigenous peoples' permanent sovereignty over natural resources, which is relevant to her study on indigenous peoples and their relationship to land (E/CN.4/Sub.2/2001/21). The working paper will be issued as document E/CN.4/Sub.2/2002/23.

International Decade of the World's Indigenous People

62. The General Assembly, in its resolution 48/163 of 21 December 1993, proclaimed the International Decade of the World's Indigenous People, commencing on 10 December 1994. In its resolution 49/214, the General Assembly decided that the International Day of Indigenous People should be observed on 9 August every year during the Decade. In its resolution 50/157, the Assembly adopted the programme of activities for the Decade contained in the annex to that resolution. In its resolution 52/108, the Assembly decided to appoint the High Commissioner for Human Rights as coordinator for the Decade.

63. At its fifty-third session, in its resolution 2001/12, the Sub-Commission recommended that the Coordinator for the Decade hold, preferably before the end of 2001, a special fund-raising meeting with the permanent missions in Geneva of interested States and the members of the Advisory Group for the Voluntary Fund for the Decade to encourage financial contributions to the Voluntary Fund for the Decade and the United Nations Voluntary Fund for Indigenous Populations, as well as the appointment of qualified staff, including indigenous persons, from within the regular budget of the United Nations, to assist with the work of the Office of the High Commissioner for Human Rights relating to the indigenous programme, and submit to the Sub-Commission at its fifty-fourth session and its Working Group on Indigenous Populations at its twentieth session a report on the results of initiatives taken to those effects.

64. At the present session, the Sub-Commission will have before it the report of the High Commissioner for Human Rights (E/CN.4/Sub.2/2002/20).

United Nations Voluntary Fund for Indigenous Populations

65. As recommended by the Sub-Commission in its resolution 1984/35 C, the Commission in its resolution 1985/29 and the Economic and Social Council in its resolution 1985/38, the General Assembly, in resolution 40/131 of 13 December 1985, established the United Nations Voluntary Fund for Indigenous Populations. The purpose of the Fund is to assist representatives of indigenous communities and organizations to participate in the deliberations of the Working Group on Indigenous Populations by providing it with financial assistance, funded by means of

voluntary contributions from Governments, non-governmental organizations and other public or private entities. The Board of Trustees held its fifteenth session from 3 to 5 April 2002 in Geneva.

Sub-item (c) Prevention of discrimination and protection of minorities

The rights of minorities

66. The General Assembly adopted the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities in its resolution 47/135. In the same resolution, the General Assembly invited the relevant organs and bodies of the United Nations, including treaty bodies and representatives of the Commission and the Sub-Commission, to give due regard to the Declaration within their mandates.

67. As recommended by the Sub-Commission in its resolution 1994/4, the Commission, in its resolution 1995/24, decided to authorize the Sub-Commission to establish, initially for a three-year period, an intersessional working group consisting of five of its members, to meet each year for five working days in order to promote the rights of persons belonging to national or ethnic, religious and linguistic minorities, as set out in the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities, and in particular to:

(a) Review the promotion and practical realization of the Declaration;

(b) Examine possible solutions to problems involving minorities, including the promotion of mutual understanding between and among minorities and Governments;

(c) Recommend further measures, as appropriate, for the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities.

68. The Working Group on Minorities held seven sessions prior to 2002. It submitted detailed reports, the latest of which was issued as document E/CN.4/Sub.2/2001/22.

69. As recommended by the Sub-Commission in its resolution 1997/23, the Commission on Human Rights, in its resolution 1998/19, decided to extend the mandate of the Working Group on Minorities with a view to its holding one session of five working days annually.

70. As recommended by the Working Group at its sixth session and endorsed by the Sub-Commission in its resolution 2000/16, a regional seminar on Afro-descendants in the Americas was held in La Ceiba, Honduras, from 21 to 24 March 2002. The report of the seminar will be issued as document E/CN.4/Sub.2/2002/40.

71. At the present session, the Sub-Commission will have before it the report of the Working Group on its eighth session (E/CN.4/Sub.2/2002/19), which was held from 27 to 31 May 2002.

72. In its resolution 2001/9, the Sub-Commission requested Mr. Asbjørn Eide to update, without financial implications, his study on peaceful and constructive approaches to situations involving minorities (E/CN.4/Sub.2/1993/34), and to submit a progress report on the update to the Sub-Commission at its fifty-fourth session and the final report at its fifty-fifth session.

73. At the present session, the Sub-Commission will have before it a note by the secretariat (E/CN.4/Sub.2/2002/22).

The concept and practice of affirmative action

74. In its decision 1997/118, the Sub-Commission decided to entrust Mr. Marc Bossuyt with the preparation of a working paper on the concept of affirmative action in order to enable it to take a decision at its fiftieth session on the feasibility of a study on that subject.

75. The Commission on Human Rights, in its decision 1999/107, decided to endorse the decision of the Sub-Commission to appoint Mr. Bossuyt as Special Rapporteur to undertake a study on the concept and practice of affirmative action as described in resolution 1998/5, which would pay specific attention to the recommendations made by the Sub-Commission and the Commission so as to refine further the focus and methods of the study. The Special Rapporteur submitted his preliminary report to the Sub-Commission at its fifty-second session (E/CN.4/Sub.2/2000/11 and Corr.1).

76. At its fifty-third session, the Sub-Commission, in its decision 2001/107, expressed its appreciation to the Special Rapporteur for his progress report on the concept and practice of affirmative action (E/CN.4/Sub.2/2001/15). It decided to request the Secretary-General to invite Governments, international organizations, the human rights treaty bodies, in particular the Committee on the Elimination of Racial Discrimination, and non-governmental organizations to transmit to him their respective comments on the preliminary report (E/CN.4/Sub.2/2000/11 and Corr.1) and the above-mentioned progress report, and also decided to request the Secretary-General to send out immediately a reminder to Governments, international organizations and non-governmental organizations that had received the questionnaire annexed to the progress report to submit their replies before 1 February 2002, including information on relevant national documentation on the subject of affirmative action, in order to enable the Special Rapporteur to take them fully into account in preparing his final report, to be submitted to the Sub-Commission at its fifty-fourth session.

77. At the present session, the Sub-Commission will have before it the final report of the Special Rapporteur (E/CN.4/Sub.2/2002/21).

The rights of non-citizens

78. At its fiftieth session, the Sub-Commission, in its decision 1998/103, taking into account the suggestion of the Committee on the Elimination of Racial Discrimination concerning the preparation of a study on the rights of non-citizens (see E/CN.4/Sub.2/1997/31, annex), decided to entrust Mr. David Weissbrodt with the preparation of a working paper on the rights of persons who are not citizens of the country in which they live.

79. At its fifty-first session, the Sub-Commission had before it the working paper prepared by Mr. Weissbrodt (E/CN.4/Sub.2/1999/7 and Add.1). In its resolution 1999/7, the Sub-Commission endorsed the conclusions contained in the working paper, including with regard to the importance of undertaking an updated study on the rights of non-citizens. The Sub-Commission recommended that the Commission and the Economic and Social Council authorize it to appoint one of its members as Special Rapporteur with the task of preparing a comprehensive study of the rights of non-citizens. This recommendation was endorsed by the Commission on Human Rights (decision 2000/104) and approved by the Economic and Social Council in its decision 2000/283.

80. At its fifty-second session, the Sub-Commission, in its decision 2000/103, decided to appoint Mr. Weissbrodt as Special Rapporteur with the task of preparing a comprehensive study of the rights of non-citizens and requested him to submit a preliminary report to the Sub-Commission at its fifty-third session, a progress report at its fifty-fourth session and a final report at its fifty-fifth session.

81. At its fifty-third session, the Sub-Commission, in its decision 2001/108, welcoming the preliminary report of the Special Rapporteur (E/CN.4/Sub.2/2001/20 and Add.1), decided to request the Secretary-General to transmit a questionnaire of the Special Rapporteur to Governments, intergovernmental organizations, the human rights treaty bodies, in particular the Committee on the Elimination of Racial Discrimination, and non-governmental organizations to solicit any information they might wish to submit in connection with the study, in order that the Special Rapporteur may take them fully into account in preparing his progress report for the fifty-fourth session of the Sub-Commission. At its fifty-eighth session, the Commission on Human Rights, in its decision 2002/107, decided to approve the above request of the Sub-Commission.

82. At the present session, the Sub-Commission will have before it the progress report of the Special Rapporteur (E/CN.4/Sub.2/2002/25 and Add.1-3).

Discrimination based on work and descent

83. At its fifty-second session, the Sub-Commission, in its resolution 2000/4, decided to entrust Mr. Rajendra Kalidas Wimala Goonesekere with the task of preparing, without financial implications, a working paper on the topic of discrimination based on work and descent, in order:

(a) To identify communities in which discrimination based on work and descent continues to be experienced in practice;

(b) To examine existing constitutional, legislative and administrative measures for the abolition of such discrimination; and

(c) To make any further concrete recommendations and proposals for the effective elimination of such discrimination as may be appropriate in the light of such examination.

84. At its fifty-third session, the Sub-Commission, in its decision 2001/110, welcoming and expressing its gratitude for the working paper submitted by Mr. Rajendra Kalidas Wimala Goonesekere on the topic of discrimination based on work and descent (E/CN.4/Sub.2/2001/16), decided to entrust Mr. Goonesekere with the preparation, without financial implications, of an expanded working paper on the topic of discrimination based on work and descent in other regions of the world, taking into account the comments made at the fifty-third session of the Sub-Commission, to be considered by the Sub-Commission at its fifty-fourth session.

85. At the present session, the Sub-Commission will have before it a note by the secretariat (E/CN.4/Sub.2/2002/26).

Item 6. Other human rights issues:

(a) Women and human rights

(b) Contemporary forms of slavery

(c) Other issues

86. Pursuant to its resolution 5 (XIV), the Sub-Commission, at the present session, will have before it a note by the Secretary-General containing a review of developments between 1 June 2001 and 1 June 2002 in fields with which the Sub-Commission has been concerned (E/CN.4/Sub.2/2002/29).

87. The Sub-Commission has also discussed at its sessions recent activities of the International Labour Organization (ILO) and the United Nations Educational, Scientific and Cultural Organization (UNESCO) relating to matters dealt with by the Sub-Commission. The reports of ILO and UNESCO on their activities, once received, will be made available in documents E/CN.4/Sub.2/2002/30 and E/CN.4/Sub.2/2002/31, respectively.

Sub-item (a) Women and human rights

Traditional practices affecting the health of women and the girl child

88. The Sub-Commission, in its resolution 1983/1, made recommendations concerning a study relating to traditional practices affecting the health of women and children. Consequently, the Economic and Social Council endorsed, in its resolution 1984/34, the request of the Commission on Human Rights that a working group of experts should undertake such a study. The Commission, at its forty-second session, had before it the report of the Working Group (E/CN.4/1986/42).

89. The Sub-Commission at its fortieth session, in resolution 1988/34, requested Ms. Halima Embarek Warzazi to study recent developments with regard to traditional practices affecting the health of women and children.

90. In its resolution 1996/19, the Sub-Commission decided to extend the mandate of the Special Rapporteur for a further two years in order to follow up and monitor such developments. The Commission on Human Rights endorsed this decision in its decision 1997/108. At its forty-ninth and fiftieth sessions, the Sub-Commission had before it, respectively, the progress report (E/CN.4/Sub.2/1997/10 and Add.1) and the second report prepared by the Special Rapporteur (E/CN.4/Sub.2/1998/11). In its resolution 1998/16, the Sub-Commission recommended that the mandate of the Special Rapporteur be again extended.

91. At its fifty-first session and fifty-second sessions, the Sub-Commission had before it, respectively, the third (E/CN.4/Sub.2/1999/14) and the fourth (E/CN.4/Sub.2/2000/17) reports of the Special Rapporteur. In its resolution 2000/10, the Sub-Commission decided to extend the mandate of the Special Rapporteur for two more years and to request her to submit updated reports to the Sub-Commission at its fifty-third and fifty-fourth sessions. The Commission on Human Rights endorsed this decision in its decision 2001/107.

92. At its fifty-third session, the Sub-Commission, in its resolution 2001/13, requested the Special Rapporteur to submit an updated report to the Sub-Commission at its fifty-fourth session.

93. At the present session, the Sub-Commission will have before it the updated report of the Special Rapporteur (E/CN.4/Sub.2/2002/32).

Situation of women and girls in the territories controlled by Afghan armed groups

94. At its fifty-third session, the Sub-Commission, in its resolution 2001/15, having taken note of the report of the Secretary-General (E/CN.4/Sub.2/2001/28), requested the Secretary-General to continue to make available all the information that could be compiled on this question and decided to continue consideration of the question at its fifty-fourth session.

95. At the present session, the Sub-Commission will have before it the report of the Secretary-General (E/CN.4/Sub.2/2002/27).

Sub-item (b) Contemporary forms of slavery

Report of the Working Group on Contemporary Forms of Slavery

96. Basing itself on a recommendation submitted by the Sub-Commission (resolution 7 (XXVI)) and approved by the Commission (decision 5 (XXX) of 6 March 1974), the Economic and Social Council, by its decision 16 (LVI) of 17 May 1974, authorized the Sub-Commission to establish a working group composed of five of its members to meet prior to each session of the Sub-Commission to review developments in the field of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism, the traffic in persons and the exploitation of the prostitution of others as defined in the Slavery Convention of 1926, the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 1956 and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949. The Sub-Commission established the Working Group on Slavery in its

resolution 11 (XXVII) of 21 August 1974. In its resolution 1988/42, the Commission on Human Rights endorsed the recommendation of the Sub-Commission that the name of the Working Group on Slavery should be changed to "Working Group on Contemporary Forms of Slavery".

97. In its resolution 2001/14, the Sub-Commission took note of the report of the Working Group on Contemporary Forms of Slavery at its twenty-sixth session (E/CN.4/Sub.2/2001/30) and requested the Secretary-General to report to the Sub-Commission at its next session on the implementation of the Programme of Action for the Elimination of the Exploitation of Child Labour. At the present session, the Sub-Commission will have before it the report of the Secretary-General (E/CN.4/Sub.2/2002/2). The Sub-Commission will also have before it the report of the Working Group on Contemporary Forms of Slavery on its twenty-seventh session (E/CN.4/Sub.2/2002/33), held from 27 to 31 May 2002.

United Nations Voluntary Trust Fund on Contemporary Forms of Slavery

98. In its resolution 46/122, the General Assembly decided to establish a voluntary trust fund on contemporary forms of slavery, the purposes of which should be, first, to assist representatives of non-governmental organizations from different regions, dealing with issues of contemporary forms of slavery, to participate in the deliberations of the Working Group on Contemporary Forms of Slavery by providing them with financial assistance and, second, to extend, through established channels of assistance, humanitarian, legal and financial aid to individuals whose human rights have been severely violated as a result of contemporary forms of slavery. It also decided that the Fund should be administered in accordance with the Financial Regulations and Rules of the United Nations and other relevant provisions, with the advice of a board of trustees composed of five persons with relevant experience in the field of human rights and contemporary forms of slavery in particular, who would serve in their personal capacity; and that the members of the Board of Trustees should be appointed by the Secretary-General for a renewable three-year term in consultation with the current Chairman of the Sub-Commission and with due regard to equitable geographical distribution.

99. At its fifty-third session, the Sub-Commission, in its resolution 2001/19, expressed its appreciation for the participation at the twenty-sixth session of the Working Group on Contemporary Forms of Slavery of eight representatives of non-governmental organizations financed by the Fund; noted with satisfaction that 18 project grants had been paid by the Fund to local non-governmental organizations which work on issues of contemporary forms of slavery; recalled the appeal made by the General Assembly in its resolution 46/122 of 17 December 1991 to all Governments to respond favourably to requests for contributions to the Fund and urged them and non-governmental organizations, other private or public entities and individuals to contribute to the Fund and encouraged them to do so in order to enable the Fund to fulfil its mandate effectively in the year 2002; and decided to continue to examine the situation and the activities of the Trust Fund at its fifty-fourth session.

Systematic rape, sexual slavery and slavery-like practices

100. At its fifty-third session, the Sub-Commission, in its resolution 2001/20, called upon the High Commissioner for Human Rights to monitor the implementation of that resolution, as well as of resolutions 2000/13 and 1999/16, and to submit a report to the Sub-Commission at its fifty-fourth session on the issues of systematic rape, sexual slavery and slavery-like practices during armed conflicts. The Sub-Commission decided to consider the issue under the same agenda item at its fifty-fourth session.

101. At the present session, the Sub-Commission will have before it the report of the High Commissioner (E/CN.4/Sub.2/2002/28).

Other matters

102. In its resolution 1987/26, the Sub-Commission requested the Secretary-General to make available to it, at each of its future sessions, the reports of the Committee on the Elimination of Discrimination against Women and of the Commission on the Status of Women. At the present session, the Sub-Commission will have before it the most recent reports of the Committee on the Elimination of Discrimination against Women and of the Commission on the Status of Women.

103. At its forty-ninth session, in resolution 1997/9, the Sub-Commission requested that, where appropriate, future studies submitted to it include gender-disaggregated statistics and discuss ways in which gender affects the various forms of abuse to which women are subjected, the consequences of those abuses, the availability and accessibility of remedies, the relationship between the abuses suffered by women and the subordinate status of women in public and private life, any gaps in existing international standards of protection, and gender-specific recommendations to remedy these violations.

104. At its fifty-seventh session, the Commission on Human Rights, in its resolution 2002/50, requested all special procedures and other human rights mechanisms of the Commission on Human Rights and the Sub-Commission on the Promotion and Protection of Human Rights, and invited human rights treaty bodies, regularly and systematically to take a gender perspective into account in the implementation of their mandates and to include in their reports information on and qualitative analysis of human rights of women and girls, and encouraged the strengthening of cooperation and coordination between these procedures and mechanisms. The Commission urged the use of gender-inclusive language in the formulation, interpretation and application of human rights instruments, as well as in reports, resolutions and/or decisions of the Commission, the Sub-Commission and the various human rights mechanisms.

Sub-item (c) Other issues

International protection for refugees

105. In its resolution 2001/16, the Sub-Commission urged States and both the United Nations High Commissioner for Refugees and the United Nations High Commissioner for Human Rights

to intensify their efforts to provide women and girl refugees with adequate protection in accordance with international human rights instruments, and decided to consider the issue of international protection for refugees at its fifty-fourth session.

Reservations to human rights treaties

106. At its fiftieth session, the Sub-Commission, in its decision 1998/113, decided to request Ms. Françoise Jane Hampson to prepare a working paper on the question of reservations to human rights treaties, including an examination of the number and scope of such reservations, their impact on the scope of the obligation accepted by States, reservations to the procedural provisions of human rights treaties, including opting-out clauses, and the role and responsibility of monitoring bodies in relation to reservations to human rights treaties.

107. At its fifty-first session, the Sub-Commission had before it the working paper prepared by Ms. Hampson (E/CN.4/Sub.2/1999/28 and Corr.1). In its resolution 1999/27, the Sub-Commission took note of the working paper and endorsed the conclusions contained therein, including with regard to the importance of undertaking a full study on the issue of reservations to human rights treaties. The Sub-Commission decided to appoint Ms. Françoise Hampson as Special Rapporteur with the task of preparing a comprehensive study on reservations to human rights treaties based on her working paper, as well as the comments made and discussions that took place at the fifty-first session of the Sub-Commission.

108. The Commission on Human Rights, in its decision 2000/108, decided to request the Sub-Commission to request Ms. Hampson to submit to the Sub-Commission at its fifty-second session revised terms of reference for her proposed study on reservations to human rights treaties further clarifying how this study would complement work already under way on reservations to human rights treaties, in particular by the International Law Commission.

109. At its fifty-second session, the Sub-Commission, in its resolution 2000/26, decided to appoint Ms. Hampson as Special Rapporteur with the task of preparing a comprehensive study on reservations to human rights treaties based on her working paper, as well as the comments made and discussions that took place at the fifty-first and fifty-second sessions of the Sub-Commission, which study will not duplicate the work of the International Law Commission, which concerns the legal regime applicable to reservations and interpretative declarations in general, whereas the proposed study involves the examination of the actual reservations and interpretative declarations made to human rights treaties in the light of the legal regime applicable to reservations and interpretative declarations, as set out in the working paper, and of submitting a preliminary report to the Sub-Commission at its fifty-third session, a progress report at its fifty-fourth session and a final report at its fifty-fifth session.

110. In its decision 2001/113, the Commission on Human Rights requested the Sub-Commission to reconsider its request in the light of the work under way by the International Law Commission.

111. At its fifty-third session, the Sub-Commission, in its resolution 2001/17, decided to entrust Ms. Hampson with the task of preparing an expanded working paper on reservations to human rights treaties based on her working paper, as well as the comments made and discussions

that took place at the fifty-first and fifty-second sessions of the Sub-Commission, which study will not duplicate the work of the International Law Commission, which concerns the legal regime applicable to reservations and interpretative declarations in general, whereas the proposed study involves the examination of the actual reservations and interpretative declarations made to human rights treaties in the light of the legal regime applicable to reservations and interpretative declarations, as set out in the working paper, and of submitting the extended working paper to the Sub-Commission at its fifty-fourth session. The Sub-Commission decided to continue its consideration of the question of reservations to human rights treaties at its fifty-fourth session.

112. In its decision 2002/111, the Commission on Human Rights, taking note of resolution 2001/17 of the Sub-Commission, decided to reaffirm its decision 2001/113, and in this regard requested the Sub-Commission to continue to keep in mind the work on reservations under way in the International Law Commission.

113. At the present session, the Sub-Commission will have before it the expanded working paper prepared by Ms. Hampson (E/CN.4/Sub.2/2002/34).

Terrorism and human rights

114. At its forty-eighth session, the Sub-Commission, in its resolution 1996/20, decided to entrust Mrs. Kalliopi K. Koufa with the task of preparing a working paper on the question of terrorism and human rights.

115. At its forty-ninth session, the Sub-Commission had before it the working paper prepared by Mrs. Koufa (E/CN.4/Sub.2/1997/28). In its resolution 1997/39, the Sub-Commission recommended that the Commission on Human Rights authorize the appointment of Mrs. Koufa as Special Rapporteur to conduct a comprehensive study on terrorism and human rights on the basis of her working paper.

116. At its fifty-fourth session, the Commission on Human Rights, in its decision 1998/107, decided to approve the appointment of Mrs. Koufa as Special Rapporteur to conduct a comprehensive study on terrorism and human rights on the basis of her working paper. In its resolution 1998/29, the Sub-Commission requested the Special Rapporteur to elaborate a preliminary report based on her working paper and to submit it to the Sub-Commission at its fifty-first session, a progress report at its fifty-second session and a final report at its fifty-third session.

117. At its fifty-third session, the Sub-Commission, in its resolution 2001/18, requested the Secretary-General to give the Special Rapporteur all the necessary assistance for the preparation of her second progress report, in particular by providing for visits to Vienna and New York in order to hold consultations with the competent services and bodies of the United Nations located there, to complement and expand her essential research and to collect all the needed and up-to-date information and data; the Sub-Commission requested the Special Rapporteur to submit her second progress report to the Sub-Commission at its fifty-fourth session. The Commission on Human Rights endorsed this request in its resolution 2002/35.

118. At the present session, the Sub-Commission will have before it the second progress report of the Special Rapporteur (E/CN.4/Sub.2/2002/35).

Human rights and bioethics

119. At its fifty-third session, the Sub-Commission, in its decision 2001/113, taking into account resolution 2001/71 of the Commission on Human Rights, decided to entrust Ms. Antoanella Iulia Motoc with the preparation, without financial implications, of a working paper on the Universal Declaration on the Human Genome and Human Rights as its contribution to the reflections of the International Bioethics Committee on the follow-up to the Universal Declaration, and requested Ms. Motoc to submit her working paper to the Sub-Commission at its fifty-fourth session so that it might be transmitted to the Commission at its fifty-ninth session, as requested.

120. At the present session, the Sub-Commission will have before it the working paper prepared by Ms. Motoc (E/CN.4/Sub.2/2002/37).

Promotion and consolidation of democracy

121. In its decision 2000/116, the Sub-Commission, having taken note of Commission on Human Rights resolution 2000/47, especially the request in paragraph 2 that the Sub-Commission pay due attention to the content of paragraph 1 of resolution 2000/47 in which the Commission listed a group of measures to promote and consolidate democracy, decided to entrust Mr. Manuel Rodríguez-Cuadros with the task of preparing, without financial implications, a working paper on the measures provided in the various international human rights instruments for the promotion and consolidation of democracy, taking into account paragraph 1 of Commission resolution 2000/47, for submission to the Sub-Commission at its fifty-third session.

122. At its fifty-third session, the Sub-Commission, in its decision 2001/114, recalling its decision 2000/116, expressed its appreciation to Mr. Rodríguez-Cuadros for his working paper on measures provided in the various international human rights instruments for the promotion and consolidation of democracy (E/CN.4/Sub.2/2001/32), and decided to request Mr. Rodríguez-Cuadros to prepare, without financial implications, an expanded working paper for submission to the Sub-Commission at its fifty-fourth session.

123. At the present session, the Sub-Commission will have before it the expanded working paper prepared by Mr. Rodríguez-Cuadros (E/CN.4/Sub.2/2002/36).

Human rights and weapons of mass destruction, or with indiscriminate effect, or of a nature to cause superfluous injury or unnecessary suffering

124. At its fifty-third session, the Sub-Commission, in its decision 2001/119, recalling its resolutions 1997/36 and 1997/37, decided to authorize Mr. Y.K.J. Sik Yuen to prepare, without financial implications, in the context of human rights and humanitarian norms the working paper, originally assigned to former Sub-Commission member Ms. Clemencia Forero Ucros in resolution 1997/36 on the utility, scope and structure of a study on the real and potential dangers

to the effective enjoyment of human rights posed by the testing, production, storage, transfer, trafficking or use of weapons of mass destruction or with indiscriminate effect, or of a nature to cause superfluous injury or unnecessary suffering, including the use of weaponry containing depleted uranium, and to submit the working paper to the Sub-Commission at its fifty-fourth session.

125. At the present session, the Sub-Commission will have before it the working paper prepared by Mr. Sik Yuen (E/CN.4/Sub.2/2002/38).

The question of the trade, carrying and use of small arms and light weapons in the context of human rights and human norms

126. In its decision 2001/120 adopted at its fifty-third session, the Sub-Commission, guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto, noting issues raised at the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects in July 2001 and deeply concerned at the negative effects upon human rights of the availability and misuse of small arms and light weapons, decided to entrust Ms. Barbara Frey with the task of preparing, without financial implications, a working paper on the question of (a) the trade and carrying of small arms and light weapons and (b) the use of such weapons in the context of human rights and humanitarian norms, for submission to the Sub-Commission at its fifty-fourth session.

127. At the present session, the Sub-Commission will have before it the working paper prepared by Ms. Frey (E/CN.4/Sub.2/2002/39).

State cooperation with United Nations human rights mechanisms

128. In its decision 2001/121, the Sub-Commission decided to adjourn the debate on draft resolution E/CN.4/Sub.2/2001/L.37, entitled "State cooperation with United Nations human rights mechanisms".

Human rights and human responsibilities

129. At its fifty-sixth session, the Commission on Human Rights, in its resolution 2000/63, requested the Sub-Commission to undertake a study on the issue of human rights and human responsibilities and to submit an interim study to the Commission on Human Rights at its fifty-seventh session and a complete study to the Commission at its fifty-eighth session.

130. At its fifty-second session, the Sub-Commission, in its decision 2000/111, decided to appoint Sub-Commission member Miguel Alfonso Martínez to undertake a study on the issue of human rights and human responsibilities and to request the Commission at its fifty-seventh session to recommend that the Economic and Social Council authorize Mr. Alfonso Martínez to undertake the study and to submit a preliminary report to the Commission at its fifty-eighth session and a final report at its fifty-ninth session. In its decision 2001/115, the Commission on Human Rights approved the above recommendation of the Sub-Commission.

131. In its decision 2002/110, the Commission on Human Rights, having discussed the preliminary report (E/CN.4/2002/107) submitted, in accordance with Economic and Social Council decision 2001/285, by the Special Rapporteur on Human Rights and Human Responsibilities, Mr. Miguel Alfonso Martínez, decided to take note of the preliminary report and to recommend the following draft decision to the Council for adoption:

> "The Economic and Social Council, taking note of Commission on Human Rights decision 2002/110 of 25 April 2002, decides to request the Special Rapporteur, Mr. Miguel Alfonso Martínez, to submit to the Commission at its fifty-ninth session his final report on the study requested by the Commission in its resolution 2000/63 of 26 April 2000, and to again request the Secretary-General to grant Mr. Alfonso Martínez all the necessary assistance to make it possible for him to fulfil his mandate properly, in particular by facilitating the field mission he considers it necessary to carry out in 2002 in Africa, Asia and Europe."

Item 7. Draft provisional agenda and adoption of the report

Sub-item (a) Draft provisional agenda for the fifty-fifth session of the Sub-Commission

132. The Economic and Social Council, in its resolution 1984 (LVII) of 1 August 1974, requested the Secretary-General to submit at each session of a functional commission or subsidiary body of the Council a draft provisional agenda for its following session, together with an indication, in respect of each agenda item, of the documents to be submitted under that item and the legislative authority for their preparation, with a view to enabling the functional commission or subsidiary body concerned to consider the documents from the point of view of their contribution to the work of the respective bodies.

133. Pursuant to that request, the Secretary-General will submit to the Sub-Commission, towards the end of the fifty-fourth session, a note containing a draft provisional agenda for the fifty-fifth session, together with information concerning the documentation relating thereto (E/CN.4/Sub.2/2002/L.1).

Sub-item (b) Adoption of the report on the fifty-fourth session

134. Under rule 37 of the rules of procedure, the Sub-Commission is to report to the Commission on Human Rights on the work of its session.

Annex

LIST OF MEMBERS AND ALTERNATES OF THE SUB-COMMISSION ON THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

Note: The year given against the names of the Sub-Commission members and alternates represents the year when the term of office expires; the terms of office expire upon election of members of the Sub-Commission at the sixtieth (2004) session or at the sixty-second (2006) session of the Commission on Human Rights.

Mr. Miguel ALFONSO MARTÍNEZ *Mr. Juan Antonio FERNÁNDEZ PALACIOS	(Cuba)	2004
Mr. José BENGOA	(Chile)	2006
Mr. CHEN Shiqiu *Mr. LIU Xinsheng	(China)	2006
Mr. Emmanuel DECAUX *Ms. Michèle PICARD	(France)	2006
Mr. Rui Baltazar DOS SANTOS ALVES *Mr. Cristiano DOS SANTOS	(Mozambique)	2006
Mr. Asbjørn EIDE *Mr. Jan HELGESEN	(Norway)	2004
Mr. El Hadji GUISSÉ	(Senegal)	2006
Ms. Françoise Jane HAMPSON	(United Kingdom of Great Britain and Northern Ireland	2006
Mr. Fried van HOOF *Ms. Lammy BETTEN	(Netherlands)	2004
Mr. Vladimir KARTASHKIN *Mr. Oleg S. MALGUINOV	(Russian Federation)	2006
Mrs. Kalliopi KOUFA *Mr. Nikolaos ZAIKOS	(Greece)	2006
Ms. Antoanella-Iulia MOTOC *Ms. Victoria SANDRU-POPESCU	(Romania)	2004

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* Alternate

Ms. Florizelle O'CONNOR	(Jamaica)	2006
Mr. Stanislav OGURTSOV	(Belarus)	2004
Mr. Soo Gil PARK *Ms. Chin Sung CHUNG	(Republic of Korea)	2004
Mr. Paulo Sérgio PINHEIRO *Ms. Marília SARDENBERG ZELNER GONÇALVES	(Brazil)	2006
Mr. Godfrey Bayour PREWARE *Ms. Christy Ezim MBONU	(Nigeria)	2004
Ms. Lalaina RAKOTOARISOA	(Madigascar)	2006
Mr. Manuel RODRÍGUEZ-CUADROS	(Peru)	2004
Mr. Abdel SATTAR *Mr. Khaled Aziz Babar	(Pakistan)	2006
Mr. Soli Jehangir SORABJEE	(India)	2006
Ms. Halima Embarek WARZAZI	(Morocco)	2004
Mr. David WEISSBRODT *Ms. Barbara FREY	(United States of America)	2004
Mr. Fisseha YIMER	(Ethiopia)	2004
Mr. Yozo YOKOTA *Ms. Yoshiko TERAO	(Japan)	2004
Ms. Leïla ZERROUGUI	(Algeria)	2004